D.B. CIVIL SPECIAL APPEAL(W)NO.931/2006

Sushila Mandawat
Vs.
Kotak Mahindra Bank Ltd. & Ors.

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Date of Order :: 16-03-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR

Shri U.S. Gehlot, for the appellants.

The writ petition giving rise to this appeal was filed by the appellant challenging the appointment of one B.A. Shelar as arbitrator as not being in accordance with Clause 9.19 and 9.20 of the agreement. Observing that the appellant may raise all the questions including question of jurisdiction before the Arbitrator, the learned Single Judge dismissed the writ petition. We find no error in the order. As a matter of fact, we have some doubts about maintainability of the writ petition against Kotak Mahindra Bank Ltd. in view of the decision of Supreme Court in Federal Bank Ltd. Vs. Sagar Thomas and others, 2003 AIR SCW 4995.

The appeal stands dismissed.

[GOVIND MATHUR],J. [S.N.JHA],CJ.

Praveen